

EXHIBIT “A”

IN THE STATE COURT OF FULTON COUNTY

STATE OF GEORGIA

KOURTLAND PERRY,

Plaintiff,

v.

FAMILY DOLLAR STORES OF GEORGIA,
INC.

Defendant.

CIVIL ACTION
FILE NO.: _____

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW KOURTLAND PERRY, plaintiff, and makes and files this complaint against defendant FAMILY DOLLAR STORES OF GEORGIA, INC. as follows:

PARTIES AND JURISDICTION

1.

Plaintiff KOURTLAND PERRY ("Plaintiff") is a resident of Fulton County, Georgia, and is subject to the jurisdiction of this court.

2.

Defendant FAMILY DOLLAR STORES OF GEORGIA, INC. ("Defendant") is a domestic profit corporation existing under the laws of the state of Georgia with its principal place of business in Charlotte, North Carolina, who at all times relevant to this action owned and/or operated the premises upon which the incident giving rise to this complaint occurred and employed the individual who assaulted the plaintiff and is subject to the jurisdiction of this court, Defendant may be served through its registered agent Prentice-Hall Corp System, Inc. at 100 Peachtree Street, Atlanta, Fulton County Georgia 30303.

3.

Jurisdiction and venue are proper in this court.

BACKGROUND

4.

Defendant owns and operates Family Dollar #26151 located at 3500 Martin Luther King Drive, S.W., Atlanta, Georgia 30331 (“the premises”).

5.

On or around January 26, 2021, Plaintiff was an invitee on the premises.

6.

On that date, plaintiff sustained serious bodily injury when GARY DARNELL EGGLESTON, an employee of Defendant, who was operating within the course and scope of employment for Defendant, initiated a physical altercation with Plaintiff and struck him in the head with a firearm.

7.

As a result of the assault, plaintiff suffered serious bodily injury.

COUNT I

ASSAULT AND BATTERY

8.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 7 above as if fully restated.

9.

Defendant’s staff working at the premises unlawfully and without justification assaulted Plaintiff.

10.

Defendant's staff committed a tortious assault and battery on Plaintiff.

11.

As a result of this assault and battery, Plaintiff suffered serious bodily injury for which he has incurred damages for past medical expense in excess of \$13,812.75, lost wages, future medical expense, actual out-of-pocket expenses and general damages related to his emotional distress and pain and suffering for which defendant is liable.

COUNT 2

NEGLIGENT HIRING, RETENTION AND TRAINING

12.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 11 above as if fully restated.

13.

Defendant was negligent in hiring, supervising and training its staff.

14.

As a result of defendant's negligence in hiring, supervising and training its staff, plaintiff suffered serious bodily injury for which he has incurred damages for past medical expense in excess of \$13,812.75, lost wages, future medical expense, actual out-of-pocket expenses and general damages related to his emotional distress and pain and suffering for which defendant is liable..

COUNT III

IMPUTED LIABILITY

15.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 14 above as if fully restated.

16.

At all times relevant to this litigation, the staff working on the premises were employees of defendant and were working within the scope of their employment.

17.

Defendant is responsible for the actions of the staff working on the premises under the theory of *respondeat superior*, agency or apparent agency.

18.

Defendant is also responsible for the staff's conduct in providing security services at the establishment because defendant had a nondelegable duty to provide security and safety for its customers.

19.

As a result of the incident described herein, plaintiff suffered serious bodily injury for which he has incurred damages for past medical expense in excess of \$13,812.75, lost wages, future medical expense, actual out-of-pocket expenses and general damages related to his emotional distress and pain and suffering for which defendant is vicariously liable..

COUNT IV

PUNITIVE DAMAGES

20.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 19 above as if fully restated.

21.

Defendant's conduct evidences a conscious indifference to the consequences of its actions, which would entitle plaintiff to an award of punitive damages under O.C.G.A. § 51-12-5.1

COUNT V

BAD FAITH AND STUBBORN LITIGIOUSNESS PURSUANT TO O.C.G.A. § 13-6-11

22.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 21 above as if fully restated.

23.

Defendant's actions to date constitute bad faith, stubborn litigiousness, and/or have caused the Plaintiff unnecessary trouble and expense, and Plaintiff is entitled to an award of attorney's fees and litigation expenses pursuant to O.C.G.A. § 13-6-11.

WHEREFORE, plaintiff prays that he have a trial on all issues and judgment against defendant as follows:

- (a) That plaintiff recover the full value of past and future medical expenses, past and future lost wages, and actual out-of-pocket expense in an amount to be proven at trial;
- (b) That plaintiff recover for mental and physical pain and suffering and emotional distress in an amount to be determined by the enlightened conscience of the jury;

- (c) That plaintiff recover punitive damages from the defendant in an amount determined by the enlightened conscience of the jury;
- (d) That plaintiff recover attorney's fees and litigation expenses pursuant to O.C.G.A. § 13-6-11;
- (e) That plaintiff recover such other and further relief as is just and proper;
- (f) That all issues be tried before a jury.

This the 15th day of April, 2022.

Respectfully submitted:

ALI AWAD LAW, P.C.

/s/ Jason N. Slate
JASON N. SLATE
State Bar No. 846650
Attorney for Plaintiff

200 Peachtree Street NW
Suite 201
Atlanta, GA 30303
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GEORGIA, FULTON COUNTY

DO NOT WRITE IN THIS SPACE

Christopher G. Scott, Clerk

Civil Division

STATE COURT OF FULTON COUNTY
Civil Division

CIVIL ACTION FILE #: _____

Plaintiff's Name, Address, City, State, Zip Code

vs.

<u>TYPE OF SUIT</u>	<u>AMOUNT OF SUIT</u>
<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ _____
<input type="checkbox"/> CONTRACT	INTEREST \$ _____
<input type="checkbox"/> NOTE	ATTY. FEES \$ _____
<input type="checkbox"/> TORT	COURT COST \$ _____
<input type="checkbox"/> PERSONAL INJURY	*****
<input type="checkbox"/> FOREIGN JUDGMENT	
<input type="checkbox"/> TROVER	
<input type="checkbox"/> SPECIAL LIEN	
<input type="checkbox"/> NEW FILING	
<input type="checkbox"/> RE-FILING: PREVIOUS CASE NO. _____	

Defendant's Name, Address, City, State, Zip Code

SUMMONS

TO THE ABOVE NAMED-DEFENDANT:

You are hereby required to file with the Clerk of said court and to serve a copy on the Plaintiff's Attorney, or on Plaintiff if no Attorney, to-wit:

Name: _____

Address: _____

City, State, Zip Code: _____ Phone No.: _____

An answer to this complaint, which is herewith served upon you, must be filed within thirty (30) days after service, not counting the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint, plus cost of this action. **DEFENSES MAY BE MADE & JURY TRIAL DEMANDED**, via electronic filing or, if desired, at the e-filing public access terminal in the Self-Help Center at 185 Central Ave., S.W., Ground Floor, Room TG300, Atlanta, GA 30303.

Christopher G. Scott, Chief Clerk (electronic signature)

SERVICE INFORMATION:

Served, this _____ day of _____, 20 _____. _____

DEPUTY MARSHAL, STATE COURT OF FULTON COUNTY

WRITE VERDICT HERE:

We, the jury, find for _____

This _____ day of _____, 20 _____. _____ Foreperson

(STAPLE TO FRONT OF COMPLAINT)

AFFIDAVIT OF SERVICE

State of Georgia

County of Fulton

State Court

Case Number: 22EV002303

Plaintiff: **Kourtland Perry**

vs.

Defendant: **Family Dollar Stores of Georgia, Inc.**

For:

Jason Slate
 Ali Awad Law, P.C.
 Ali Awad Law, P.C.
 Ste. 201
 Atlanta, GA 30303

Received by Ancillary Legal Corporation on the 18th day of April, 2022 at 9:30 am to be served on **Family Dollar Stores of Georgia, Inc. c/o Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, GA 30092**.

I, Christopher Todd Horton, being duly sworn, depose and say that on the **20th day of April, 2022** at **1:20 pm**, I:

served **Family Dollar Stores of Georgia, Inc. c/o Corporation Service Company** by delivering a true copy of the **Summons, Complaint, General Civil and Domestic Relations Case Filing Information Form** to: Corporation Service Company as **Registered Agent, BY LEAVING THE SAME WITH** Alisha Smith as **Authorized to accept** at the address of: **2 Sun Ct, Ste 400, Peachtree Corners, GA 30092**.

Additional Information pertaining to this Service:

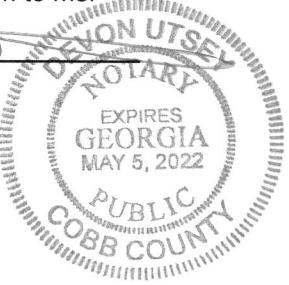
4/20/2022 1:20 pm Perfected corporate service at 2 Sun Court Suite 400, Peachtree Corners, GA 30092, by serving Alisha Smith, CSC Coordinator.

Black female, black hair, ~35-40 years old, ~5'8, ~150 lbs, no glasses.

I am an agent of Ancillary Legal Corporation and am competent in all respects to testify regarding the matters set forth herein. I have personal knowledge of the facts stated herein and know them to be true. I have no interest in the outcome of this action and am not related to any of the parties. I am 18 or more years of age and am authorized to serve process.

Subscribed and Sworn to before me on the 21st day of April, 2022 by the affiant
 who is personally known to me.

NOTARY PUBLIC



Christopher Todd Horton
 Process Server

Ancillary Legal Corporation
 2900 Chamblee Tucker Road
 Building 13
 Atlanta, GA 30341
 (404) 459-8006

Our Job Serial Number: ANC-2022003827
 Ref: Perry